IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1861 OF 2004

Tikam Co-operative Housing Society Ltd .... .. Petitioner
Vs
1. The State of Maharahstra & ors. Respondents

Mr C.P.Deogirikar, for the petitioner.
Mr A.H.Palekar, AGP, for the respondents.

CORAM : D.B.BHOSALE, J.

DATE : FEBRUARY 18, 2005.

P.C.

1. Heard the learned counsel for the parties.

2. This writ petition is directed against the concurrent findings recorded by the authorities below in the proceedings initiated by respondent no.3.-Sangita B.Vanmali under the provisions of section 22(2) of the Maharashtra Co-operative Societies Act, 1960, seeking membership of the society. The petitioner claims that she purchased the flat in the society from the original member one Chandrani Agarwal on 31.10.1985 and submitted the application for membership of the society on 12.11.1985. The authorities below, after considering the entire material before them have allowed the application filed by respondent no.3 and the appellate authority has dismissed the appeal filed by the society. The learned counsel for the petitioner

- society submits that the petitioner has not produced certain documents on record and, therefore, she cannot claim the relief in the instant proceedings. It is clear from the observations made by the authorities below that the petitioner has complied with almost all the requirements and the only objection of the society was that the signature on the agreement of Chadrani Agarwal does not tally with the signature on the record of the society. In respect of this objection the authorities below have observed that the question regarding the signature of Chandrani can be solved by obtaining indemnity bond from respondent no.3 . Even if it is assumed that respondent no.1 requires to comply with any other mandatory conditions, it is always open for the society to ask her to comply with the same. However, in any case, her membership need not be withheld for that purpose. Considering that there are concurrent findings recorded by both the Courts below and as I find that there is sufficient material on record to sustain those findings and considering the extremely limited jurisdiction of this Court under Article 227 of the Constitution of India to disturb the findings of fact, the present writ petition cannot be entertained. The writ petition, therefore, fails and is dismissed as such.

(D.B.Bhosale, J.)